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ABSTRACT

This report examines single- and multi-track educational programs as found in California's public school system, explores the pros and cons of using year-round education (YRE) programs, and how to implement these programs. Each year-round tracking system is detailed using each of their calendars in a side-by-side comparison along with the advantages and disadvantages that exist for each. Final sections describe the education codes pertinent to YRE, including codes for establishing a year-round program, year-round scheduling, intersession funding, year-round grant program, air-conditioning allocations, and year-round facilities. Over half of the document consists of a listing and description of state education codes pertinent to YRE. (GR)

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YRE Program Guide

California Department of Education
School Facilities Planning Division

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INTRODUCTION

Year-Round Education is typically not an alternative way to deliver the curriculum. It is an alternative way to construct the school calendar. It can, however, have positive effects on student achievement, especially for disadvantaged students.

Both traditional and some year-round school calendars can have 180 days of instruction. The traditional calendar, of course, is divided into nine months of instruction and three months of vacation during the summer. Year-round calendars break these long instructional/vacation blocks into shorter units. The most typical instructional/vacation year-round pattern is called the 60/20 calendar (sixty days of instruction followed by twenty days of vacation), with the second most popular being the 45/15, and the third the Concept 6 (roughly eighty days of instruction followed by forty days of vacation). There are numerous other possible patterns but they are not common.

Year-round education is also known by the number of "tracks" it uses. A school using a "single track" year-round calendar is simply changing the instructional/vacation sequence of the school year; all the students and staff are in school or on vacation at the same time. But a school using a "multitrack" year-round calendar does something quite different: it divides the entire student body and staff into different tracks (from three to five). If, for example, a school is using a four-track system, then at any one time three of the four tracks are attending school while the fourth is on vacation. The rotation sequence depends upon the year-round calendar being used. Using the 60/20 calendar, one track returns from vacation and one track leaves every twenty days.

The advantage of a multitrack system is that it expands the seating capacity of a school facility. For example, a school with a seating capacity of 1,000 could potentially enroll 1,500 if it uses a three-track system (each track having 500 students and one track always on vacation). The school's seating capacity has been increased by 50 percent. In practice, however, three-track plans typically expand the seating capacity by about 33 percent. If a school with a seating capacity of 1,000 uses a four-track system, it could potentially enroll 1,333 students, increasing its capacity by 33 percent. In practice, four-track plans typically expand the seating capacity by about 25 percent.

Incentive grants are available for school districts planning and operating multitrack year-round education programs. These grants are allocated annually based on the number of students claimed in excess of school site capacity. A disadvantage of adopting a multitrack system and collecting State multitrack operational grant money is that the school district's new construction entitlement in the State School Building Program is reduced by the number of additional students housed at a school as a result of its multitrack calendar.

Because of rapid growth, overcrowding, and its cost-effectiveness in achieving class size reduction, the number of districts using multitrack year-round education has grown significantly. In 1988 there were 69 districts using year-round programs. By June 1997 there were over 100.

For many, the advantages of multitrack year-round education are compromised by its disadvantages. Several recent legislative initiatives are difficult to realize in multitrack year-round education schools. For instance, lengthening the school year beyond 180 days, using on-site classrooms, is thwarted by the available-day limitations of each multitrack year-round education track. And offering mandatory remediation sessions, when all classrooms are used all year, is likewise a challenge. A district considering the implementation of multitrack year-round education must consider both its facility needs and its instructional objectives and then choose a course that provides each of its students with the maximum opportunity to learn.

That year-round education can relieve overcrowding has overshadowed its effectiveness as an educational strategy. Yet there are, in fact, compelling reasons why year-round education should be considered in its single-track form simply for its educational benefits, especially for at-risk students.

There can be academic benefits for students with learning disadvantages. Student achievement scores improve when those students are attending year-round schools.[1] The explanation is simple: the loss of retention that occurs during the three-month summer vacation is minimized by the shorter, more frequent vacations that characterize year-round calendars. For those students without intellectual stimulation, enrichment, or reinforcement during the summer, summertime is intellectually pernicious.

Also, summer school, the typical time for remediation in traditional calendar schools, occurs just once a year. It occurs after the school year has been completed, which is often too late. Year-round calendars replace summer school with intersession (those periods of shorter vacations that punctuate the instructional year). Because intersessions occur more frequently, remediation can occur in sequence, offering a student help in a timely manner.

Of course, there are other benefits that some associate with the year-round calendar: teacher and student stress are relieved by punctuating the year with breaks; vacation time can be used more creatively; and the curriculum can creatively incorporate seasonal learning.

Implementing a year-round education calendar has both facility and programmatic implications. In its multitrack and single-track forms, it can be an important strategy for insuring that a district can deliver the best possible educational program.

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[1] *"Investigating the effects of single-track year round education on achievement of at-risk students."* Carolyn Calvin Kneese et al. Paper presented at the Annual Meeting of the American Educational Research Association, April 18-22, 1995, San Francisco, CA. *"The effects of summer vacation on achievement test scores: a narrative and meta-analytic review."* Harris Cooper, et al. Review of Educational Research, Fall 1996. Vol. 66, No. 3, pp. 227-268.

STATISTICAL SUMMARY OF YEAR-ROUND PROGRAMS, 1997-98

- School districts in California: 994
- School districts with enrollments greater than 1,000: 581
- School districts using year-round education programs: 179
- Total year-round enrollment: 1,190,658
- Public schools jn California: 7,900
- Public schools using year-round education programs (by grade level)

  Elementary schools: 1,155
  Middle/junior high schools: 126
  High schools: 38
  Alternative high schools: 21
  Continuation high schools: 31
  Total: 1,371

- Single-track programs

  Number of districts with single-track programs[Ψ]: 117
  Number of single-track schools: 422
  Enrollment in single-track schools: 244,958

- Multitrack programs

  Number of districts with multitrack programs[Ψ] 109
  Number of multitrack schools: 947
  Enrollment in multitrack schools: 945,700

- Year-round calendar plans used by schools[*]:
  45/15: 206
  60/15: 21
  60/15 Orchard: 7
  60/20: 782
  90/30: 87
  Concept 6: 162
  Concept 6 Modified: 76
  Flexible Year: 28

[Ψ] Districts may use both plans.

[*] Districts may use more than one calendar plan. List includes basic plans only; variations are not listed.

YEAR-ROUND CALENDARS

Characteristics	Traditional	45/15 multitrack	Concept 6 multitrack	60/20 multitrack	90/30 multitrack	Orchard
Number of tracks	1	4	3	4	4	5
Number of instructional periods	2-4	4	2	3	2	3
Length of periods	45-90 days	45 days	81 days	60 days	90 days	60 days
Number of instructional days	180	180	167	180	180	180
Length of vacations	3 days-3 months	15 days	43	20 days	30 days	3/15 days 1/20 days
Number of vacations	1 long	4	2	3	2	4
Maximum capacity gain (percent)	0	33	50	33	33	25
Features	Long instructional blocks, Long vacation	Frequent vacations	Long instructional blocks, short school year	Long instructional blocks	Long instructional blocks, Long vacation	Teachers and students on vacation at same time

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	ONE TRACK	TWO TRACKS	THREE TRACKS		FOUR TRACKS				FIVE TRACKS	
ADVANTAGES	**Single-track**	**Two tracks**	**Concept 6**	**Modified Concept 6**	**90-30**	**60-20**	**45-15**	**4 Quarter**	**60-15**	**5 Quarter**
1. Increases school capacity by:	0%	100%	33%	33%	33%	33%	33%	33%	25%	25%
2. Provides for 180 days of instruction.	●	●	●	●	●	●	●	●	●	●
3. Breaks up 3-month traditional summer into 2 or more periods, enhancing continuity and pacing of instruction.			●	●	●	●	●	●	●	●
4. Provides multiple vacation options for students and staff.			●	●	●	●	●		●	●
5. Provides opportunities for salary enhancement through substitute and/or intersession employment.			●	●	●	●	●	●	●	●
6. Provides for a common 3-4 week summer vacation for all students and staff.	●	●							●	●
7. Provides multiple intersessions to accommodate enrichment and/or remedial instruction.			●	●	●	●	●		●	
8. Offers maximum opportunity for course offerings in a departmentalized program.	●	●	●	●				●		
9. Provided space and funding allow, students may attend all 4 quarters.								●		
10. Retains a calendar which accommodates 2 semesters or 4 quarters.	●	●		●	●		●	●		●
11. Requires fewer room changes, including start-ups and closings.	●	●	●		●					
12. Allows teachers and students to retain the same classrooms all year.	●	●								
13. Permits the addition of school days beyond the required 180-day school year.	●	●							●	●
DISADVANTAGES	**Single-track**	**Two tracks**	**Concept 6**	**Modified Concept 6**	**90-30**	**60-20**	**45-15**	**4 Quarter**	**60-15**	**5 Quarter**
1. Requires class rotation or teacher rover.			●	●	●	●	●	●	●	●
2. Requires three more "start-ups" and "endings."				●		●	●		●	
3. Require additional storage space for teachers and students.		●	●	●	●	●	●	●	●	●
4. Requires a calendar which does not coincide with a traditional school year calendar.	●	●	●	●	●	●	●	●	●	●
5. Additional demands placed upon cafeteria, custodial, maintenance, instructional support and administrative services.		●	●	●	●	●	●	●	●	●
6. Student testing schedules will defer from track-to-track.			●	●	●	●	●	●	●	●
7. Graduations, parent conference days, annual music, athletic and other events must be given specific accommodations.			●	●	●	●	●	●	●	●
8. There is no common vacation break of longer than 3 weeks for all staff and students.			●	●	●	●	●	●	●	
9. Limits the school year to approximately 163 days which are lengthened to meet state requirements for cumulative annual minutes of instruction.			●	●						
10. Winter vacation is generally limited to one week.			●	●						

Source: La Canada Unified School District Feasibility Study. Osborn Architects. 1998

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YEAR-ROUND COSTS

Areas of Savings

- Avoided costs -- capital outlay; avoided extra-site operation and staffing including classified, certificated and administrative staff, furniture, supplies and equipment, utilities and maintenance, and transportation.
- Potential savings -- additional ADA generated; shared materials (library, computer, audio-visual, science resources, textbooks); benefits (calculated on a 12-month basis for most employees), reduced absenteeism (additional ADA and less substitute pay); and decreased vandalism.
- Incentives -- California Department of Education Year Round Education Implementation and Operational Grants.

Areas of Costs

- Transition costs -- administrative planning, staff development, communication, storage units, storage space, air conditioning.
- Operational costs -- expanded office and administrative staff, increased utilities, maintenance and transportation costs.

Example Cost Analysis

Position/Cost Item	500 Student Enrollment		581 Student Enrollment		635 Student Enrollment	
	Traditional	YRE	Traditional	YRE	Traditional	YRE
Personnel						
Principal	$67,000	$73,030	$67,000	$73,030	$67,000	$73,030
Clerical	$42,075	$50,490	$42,075	$50,490	$42,075	$50,490
Noon aides	$7,751	$10,334	$7,751	$10,334	$7,751	$10,334
Custodial	$55,854	$59,576	$55,854	$59,576	$55,854	$59,576
Fringe	$51,804	$58,029	$51,804	$58,029	$51,804	$58,029
Operational						
Additional Facilities	$0	$0	$28,178	$0	$46,960	$0
Utilities	$34,546	$44,816	$36,562	$44,816	$40,578	$44,816
Supplies	$11,850	$11,850	$13,650	$13,650	$15,450	$15,450
Total Cost	$270,880	$308,125	$302,874	$309,925	$327,472	$311,725
Cost per Pupil	$542	$616	$521	$533	$515	$490

Model is based on a school site with a capacity of 500 students.
Source: La Canada Unified School District Feasibility Study, Osborn Architects, 1998.

IMPLEMENTING A YEAR-ROUND EDUCATIONAL PROGRAM

A. IMPLEMENTATION STEPS

1. Select schools and grade levels
2. Establish a process for resolving issues
3. Construct a "Pert Chart" for organizing issues, time lines, and responsibilities
4. Meet consultation requirements [ECS 37616] and November 1 public notice deadline [ECS 37611] if needed
5. Working with employee groups, select and approve a calendar
6. Assess the need for facilities modification, including shade modification and storage areas for off-track teachers
7. Submit budget requests to district business office
8. Decide if year-round education will be implemented on a voluntary or mandatory basis for students and employees
9. Develop and approve a track preference and assignment policy for students, keeping in mind the need for same schedules for family members. Balance tracks by ethnicity, ability, socio-economic level, and educational need.
10. Develop and approve a track assignment policy for teachers and staff
11. Determine staff-inservice schedule
12. Institute a YRE informational network for certificated and classified staff and parents
13. Send track-preference notice to parents by early spring
14. Notify parents as soon as possible of track assignment

15. Develop a policy and system for track-change appeals

16. Develop a system for delivering services during the summer (i.e. classroom supplies and textbooks)

17. Modify/expand food services according to need

18. Modify payroll periods

19. Develop a system for plant maintenance and utilization of empty rooms

20. Insure that air conditioning and insulation are able to provide summer comfort

21. Bargain with all appropriate classified and certificated units

22. Develop a work schedule for office, custodial, and administrative staff

23. Develop a system to deliver electives and special services such as special day classes, psychological services, resource specialists, and bilingual education

24. Insure appropriate cash reserves to meet summer payroll and supply expenses

25. Modify transportation system as required, including routes, number of buses, and service schedules

26. Establish a system for teacher room rotation or roving

27. Develop a community-school communication system for notifying off-track families of important school dates and activities

28. Provide activities for connectedness for off-track employees and parents

29. Reschedule special events such as holiday programs

30. Design attendance accounting system as required

31. Modify report care schedule

32. Coordinate with community services such as the recreation department, youth organizations, church groups and the police department

33. Identify and coordinate with childcare providers

34. Identify intersession instructional programs and schedules

35. Modify student testing program

B. Track Assignment Considerations

General Axioms

1. Establish priority criteria for deciding who gets first track preference, considering the following:

(a) Keep families together. First track choice to be given to families with children in different schools and/or per ECS 37617 with children in the same school;

(b) Respect district employees; keep parents on the same track as their children;

(c) Respect language of divorce settlements by respecting visitation schedules;

(d) Consider unique family circumstances (e.g. families located in different parts of the country or different countries to which predictable, annual visits occur);

(e) Acknowledge unique educational opportunities (e.g. a cello prodigy who is offered a summer

2. Use a fair, balance track assignment policy once track-choice-priorities have been honored. Each track should mirror the ethnic and socio-economic composition of the whole school population.

3. Develop a track-assignment appeals process, including:

(a) a site administrator

(b) an appeal committee (made up of an administrator, a teacher and a board member)

(c) full board

(d) minimize ability and/or special education need track segregation. If a special population must be put on one track, isolation and segregation can be minimized by partial day integration of self-selection of track.

Do Not

1. Load tracks by ability level
2. Load tracks by special groups (like band or football)
3. Move students from track to track each year (unless requested)
4. Wait too long to announce track assignment

C. Operational Strategies For Special Services

Special Day Classes

1. Typically confined to one track (or two if the population warrants)
2. Extended School Year days typically offered during intersessions
3. Education Code 37617 allows exemption from placing students from same family on same track

Resource Specialists

1. Typically offered on all tracks
2. Teaching services stretched to 12 months by:

(a) increasing the number of teaching days per year

(b) increasing the number of teaching weeks per year but keeping the number of teaching days the same. Vacation time is spread throughout the year and equally distributed across all tracks. Aids, roving RSP teachers, and/or substitutes fill in during vacation times

(c) increasing the number of teaching weeks per year but keeping the number of teaching days the same by converting contracts to four-day work weeks, with fifth-day coverage done by aids, roving RSP teachers, and/or substitutes; or services limited to four days per week.

(d) increasing the number of teaching weeks per year while decreasing the number of per-teacher instructional days by sharing contracts

(e) increasing the numbes of teaching weeks per year by assigning the contract teacher to a specific track (or a "traditional" schedule) and filling in the vacation periods with a long-term substitute or roving RSP teacher.

PROS AND CONS OF YEAR-ROUND EDUCATION PROGRAMS

Pros

- School site accommodates 20 to 30 percent more students
- Increased retention in some studies
- Teachers are able to earn more money if they choose to teach extra sessions or substitute
- Increased public perception of teachers as a profession
- Lower cost per student than acquisition of site and building
- Vandalism at the school site reduced
- Kindergarten students can enter when ready instead of waiting until September
- Students may advance academically when ready if space permits
- Intersessions offer time to supplement instruction
- Some families prefer staggered vacation schedules
- Provides calendar options that more closely fit changing lifestyles and work patterns
- District incurs fewer capital costs
- Savings in insurance costs

Cons

- Inconclusive evidence that academic achievement improves with YRE calendar
- Maintenance must be done at night and on weekends (all overtime)
- Some maintenance requires more than 15 to 20 days to be completed
- At intermediate and high school grade levels, family disruptions may ensue

- Teachers pack and move everything after every session.
- Athletic scheduling and other activities (such as band) are a problem.
- Communication among staff /staff training is disrupted when 25 percent are absent at all times.
- Special training is required for staff to develop individualized programs and to change curriculum into blocks.
- Transportation may have increased costs.
- Current facilities may not be designed for YRE. Storage of materials is an on-site problem.
- Increased placement of children in combination classes.
- Increased administrative costs for designing schedules.
- Children jumping tracks causing a possible loss of community, identity and scheduling problems.
- Administrative costs to cover principal's vacation.
- Not recommended that the educational calendar be facilities-based.
- May be more difficult to accommodate legislated school reforms such as extended school year and mandatory summer school.

EDUCATION CODES PERTINENT TO YEAR-ROUND EDUCATION

A. ESTABLISHING A YEAR-ROUND PROGRAM

37610. Establishment and Operation. The governing board of any school district may, after notification to the Superintendent of Public Instruction, establish and operate in one or more of the schools within the district, or in all schools within the district, a continuous school program pursuant to the provisions of this chapter.

37611. Public Notice. Whenever the governing board of any school district, pursuant to Section 37610, determines to operate one or more schools of the district on a continuous school program in such a manner as to require any pupil to enroll in a continuous school program, it shall publish, not later than November 1st of the school year preceding the commencement of such a program, its intention to operate a continuous school program in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

379612. Petition; Determination to Call Election. If after notice of intention to establish and operate a continuous school program in such a manner as to require any pupil to enroll in a continuous school program ahs been given, a petition signed by 25 percent off the electors of the district may be presented to the county superintendent of schools requesting that the school district not establish such a program. Such petition shall be presented no later than December 10th of the year in which the notice is given.

The county superintendent of schools shall examine the petition and, if he finds it to be sufficient and signed as required by law, order a ballot proposition, as provided by Section 37614, to be placed upon the ballot of the appropriate election as provided in Section 37613.

The governing board of the school district may request that an election be called and conducted irrespective of whether or not a petition is presented.

37613. Election. An election ordered or requested to be held pursuant to Section 37612 may be consolidated with the next districtwide election held 80 or more days after the order or request for an election is made or the county superintendent of schools may order a special election to be held at least 80 days after the election is ordered or requested.

37614. Form of Ballot; Election Results.

(a) The ballot proposition used in an election called pursuant to Section 37613 shall contain the words "For the continuous school program of the (name of district) District to be operated in such a manner as to require any pupil to enroll in a continuous school program" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

(b) If a majority of those voting for the ballot proposition, as provided by subdivision (a), at the election vote "yes" then the school district shall be permitted to commence the continuous school program so designated on the ballot and to continue operating any such program in the district until all such programs are terminated.

(c) If a majority of those voting for the ballot proposition, as provided by subdivision (a), at the election vote "no" then the school district shall not be permitted to commence with the continuous school program so designated on the ballot.

37615. Required Time Lapse Between Program Proposals. If a continuous school program operated in such a manner as to require any pupil to enroll in the program is terminated by the governing board or prohibited pursuant to subdivision (c) of Section 37614, the governing board shall not determine to operate one or more schools of the district on a continuous school program in such a manner as to require any pupil to enroll in a continuous school program for at least two years following termination or election.

37616. Consultation. Prior to implementing a continuous school program in any school of the district, the school district governing board shall consult in good faith in an effort to reach agreement with the certificated and classified employees of the school, with the parents of pupils who would be affected by the change, and with the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected.

In school districts where a continuous school program is implemented in fewer than all of the schools maintained by the school district, the governing board of such a school district shall make every reasonable effort to assign certificated employees who prefer the regular school schedule to schools of the same level retaining the regular school schedule.

37617. Grouping of Students. The governing board of any school district operating pursuant to the provisions of this chapter shall divide the students of each selected school into as many groups as necessary to adequately accommodate a continuous school program so established and conducted. Students of the same family shall be placed in the same group unless one or more of such students is enrolled in a special education class or unless the parent or guardian of such students requests that the students be placed in different groups.

37618. School Calendar; Rotating Shifts. The governing board of any school district operating pursuant to the provisions of this chapter shall establish a school calendar whereby the teaching sessions and vacation period during the school year are on a rotating basis.

37619. Holidays. Each selected school shall be closed for all students and employees on regular school holidays specified in Section 52720, Article 3 (commencing with Section 37220) of Chapter 2 of this part.

37620. Sessions and Vacations. The teaching sessions and vacation periods established pursuant to Section 37618 shall be established without reference to the school year as defined in Section 37200. The schools and classes shall be conducted for a total of no fewer that 175 days during the academic year. (see 37670)

37630. Compulsory Full-Time Education; Enrollment and Attendance. The provisions of Article 1 (commencing with Section 48200), Article 3 (commencing with Section 48220) to Article 6 (commending with Section 48290) of Chapter 2 of Part 27 of Division 4 of this title, and all other laws, relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten, elementary, and secondary grades shall be applicable with respect to the regular schooldays prescribed for the entire academic year established for the school at which a program pursuant to this chapter is conducted, and to the attendance area established for such school.

37631. Courses of Instruction. The courses of instruction offered at a school maintained pursuant to this chapter shall meet all applicable requirements of law, including the requirements prescribed by or pursuant to Sections 51550, 51551, and 51820, and Chapter 2 (commencing with Section 51200) of Part 28 of Division 4 of this title relating to physical education. For such purposes the instructional program shall be designed to provide at least the overall equivalent in instruction in each course of study required by law to be provided in kindergarten and grades 1 to 12, inclusive, upon a pupil's completion of the work prescribed for any particular grade.

37632. Separate Salary Schedule. The governing board of any school district operating the continuous school program pursuant to this chapter shall prescribe a separate salary schedule for the certificated employees of the district who are employed at any school maintaining the continuous school program pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

37640. Support from State School Fund. Each school district maintaining a continuous school program in any school within the district pursuant to this chapter shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at such school that it would have received if the school had been operating under the provisions of law relating to the regular school year, including summer school.

37641. Procedure for Computation of Allowances, Apportionments and Disbursements. The Superintendent of Public Instruction shall prescribe an appropriate procedure for the computation of allowances, apportionment and disbursements from the State School Fund which are to be made to any school district maintaining a continuous school program pursuant to this chapter for any one or more of the purposes specified in Sections 41300 and 41301 for the average daily attendance at any school operating such a program.

37642. Eligibility for Allowances, Disbursements, and Apportionments. The allowances, disbursements, and apportionments under this article shall be made with respect to any school district maintaining a continuous school program pursuant to this chapter in accordance with the provisions of law relating to such allowances, disbursements, and apportionments, to the extent possible.

37643. Disbursements; Maximum Amount. The Superintendent of Public Instruction may provide for the actual disbursement of the apportionments to the school district maintaining the continuous school program pursuant to this chapter at times other than as specified in Article 3 (commencing with Section 41330) of Chapter 3 of Part 24 of this division. In no event, however, shall the school district receive apportionments in a total amount in excess of the amount determined pursuant to this article.

B. YEAR-ROUND SCHEDULING

37202. Except where a school ...., the governing Board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year; all of the day high schools established by it for an equal length of time during the school year.

37228. The governing Board of any elementary, high school, or unified school district or any county superintendent of schools may maintain classes on Saturday or Sunday, or both .... but shall not result in crediting of more than five days of attendance for the pupil per week.

46200. For each school district which certifies ..that it offers 180 days or more of instruction per school year .... A Year-Round school shall be deemed to be in compliance with the 180 day requirement if it certifies to the SPI that it is a Year-Round school and maintains its school for five more days or the equivalent thereof, than maintained in the 1982-83 fiscal year not to exceed 180 days.

37670. Program of School District; approval of Application; Conditions; Work Time of Certificated Employees; Eligibility for Apportionment from State School Fund.

(a) Notwithstanding any other provision of law, any school district may operate a program of multitrack year-round scheduling at one or more schools within the district for as few as 163 days in each fiscal year, so long as the number of annual instructional minutes is not less than that of schools of the same grade levels utilizing the traditional school calendar.

(b) All certificated employees under this program, except those serving under an administrative or supervisorial credential and who are assigned full time to a school in positions requiring qualifications for certification, shall work the same number of days and shall increase the number of minutes worked daily on a uniform basis.

(c) A program conducted pursuant to this section shall be eligible for apportionment form the State School Fund.

37671. Exemption from Requirements of Sections 37202, 37203. Schools in programs conducted pursuant to Section 37670 shall be exempted from the requirements of Section 37202.

37672. Credit for Attendance; Calculation of Average Daily Attendance.

(a) No pupil participating in programs as described in Section 37670 shall be credited with more than one day of attendance in any calendar day, except as permitted in Section 46140. Average daily attendance generated in the regular elementary, junior high, and high schools operated under Section 37670 shall be calculated as prescribed in subdivision (a) of Section 41601.

(b) Notwithstanding Section 37640, subdivision (a) of Section 41601, and any other provision of law, the number of days taught in one or more late entry makeup classes in which a pupil in a program of year-round scheduling is enrolled shall be disregarded, at the option of a school district, in calculating the number of days taught in the calculation of average daily attendance of that district for any school year, if the pupil entered the program of year-round scheduling after September 1 of that school year and the track in which the pupil is enrolled began instruction in July or August of that school year. For purposes of this subdivision, "late entry make class" is a class in which a pupil in a program of year-round scheduling is enrolled in order to compensate for the pupil's late enrollment in that program. The number of days taught that are disregarded under this subdivision shall not exceed the number of schooldays occurring in the school year prior to September 1 in the track in which the pupil is enrolled, reduced by the number of schooldays, if any, occurring in a program operating under the traditional school calendar in which the pupil was enrolled in that school district in the same school year prior to the date upon which the pupil is first enrolled in the program of year-round scheduling.

(c) This subdivision shall only apply to school districts with an average daily attendance of 100,001 or more pupils that have installed an individual pupil tracking system and maintain schools on both the traditional calendar and on year-round calendars. For the 1993-94 and 1994-95 fiscal years, if a pupil transfers to another school within the district, other than a transfer initiated by the district, the pupil's average daily attendance shall be calculated independently for each school in which the pupil was enrolled. For the 1993-94 fiscal year as recertified at the time of the first principal apportionment in February of 1995 and for the 1994-95 fiscal year, in no event may any transferring pupil generate more than 0.98 unit of average daily attendance for the district in any one school year under this subdivision. In no event shall this subdivision be construed to authorize any nontransferring pupil to generate more than one unit of average daily attendance for any school year.

C. INTERSESSION FUNDING

Funding for intersessions for year-round education programs is the same as funding for summer school for traditional nine-month calendars. Summer school funds can be used throughout the twelve months in year-round programs, subject to the same regulations as those which govern the conventional calendar. The summer school related Education Code Section 42239 should be consulted before implementing intersessions.

42239.5 Saturday school programs; summer school apportionments; conditions; inability to attend for religious reasons; summer school priority; encouragement to participate; program advisory; duration of section. (a) For the 1989-90 fiscal year and each fiscal year thereafter, average daily attendance generated by elementary and secondary school pupils in voluntary Saturday school programs shall be eligible for summer school apportionments calculated pursuant to Section 42239 if those programs meet the following conditions:

(1) The instruction is in core academic areas specified in paragraph (2) of subdivision (d) of Section 42239, or as specified for summer school in Section 37252 and subdivision (a) of Section 37253, or in a course that provides credit toward high school graduation.

(2) The instruction is provided on Saturday and does not exceed 180 minutes.

(3) The average pupil/teacher ratio does not exceed 20:1.

(4) Attendance by the pupils is not required by the participating schools and districts.

(b) Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program established pursuant to this section for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program established pursuant to this section for religious reasons, shall be given priority over pupils who have attended the Saturday school program for enrollment in the regular summer school program if he or she chooses to enroll in the regular summer school program.

(c) Participating districts shall encourage the participation of elementary and secondary schools within low academic performance.

(d) The Superintendent of Public Instruction shall develop and distribute a program advisory to school districts on this program option.

42239.6. Pupils in voluntary after-school programs; summer school apportionments; conditions. (a) Elementary and secondary school pupils in voluntary after-school programs in multitrack year-round schools shall be eligible for summer school apportionments calculated pursuant to Section 42239 if those programs meet the following conditions:

(1) The instruction supplements the regular instructional program in the core academic area specified in paragraph (2) of the subdivision (d) of Section 42239.

(2) The instruction is provided after the end of the full schoolday offered for the purposes of incentive funding pursuant to Article 8 (commencing with Section 46200) of Chapter 2 of Part 26, and does not exceed 120 minutes.

(3) Attendance is not required by the participating schools and districts.

(b) Participating school districts shall encourage participation of elementary and secondary schools with low academic performance.

D. YEAR-ROUND GRANT PROGRAM

42260. Establishment; purpose; administration; criteria for selection. (a) There is hereby established the Year-Round School Grant Program to provide financial assistance to both school districts implementing new multitrack year-round educational programs and school districts that currently operate those programs.

(b) The grant program shall be administered by the Superintendent of Public Instruction. The superintendent shall award grants separately under this article for the implementation of multitrack year-round school programs and for year-round operations purposes.

(c) The Superintendent of Public Instruction shall establish criteria for the selection of implementation grant applicants to be funded. The criteria shall include, but not be limited to, all of the following:

(1) Severity of school district overcrowding in excess of State Allocation Board or court-mandated pupil loading standards.

(2) The amount of overcrowding that wold be alleviated by the implementation of multitrack year-round educational programs, as proposed in the school district's grant application proposal.

(3) The lack of other educationally sound alternatives to multitrack year-round educational programs to reduce overcrowding in the applicant school district.

42261. Application; requirements. Commencing in the 1990-91 fiscal year, a school district may apply for a year-round school grant pursuant to this article, if the school district demonstrates to the Superintendent of Public Instruction all of the following: (a) There is substantial overcrowding in the school district or its high school attendance areas, as demonstrated by current enrollment, capacity of facilities, and growth projections.

(b) The school district will use the grant to implement or operate multitrack year-round educational programs in one or more of its schools in order to increase the capacity of its facilities.

(c) The school district would be eligible to construct new facilities under Chapter 22 (commencing with Section 17700) of part 10 absent the use of multitrack year-round educational programs.

42262. Grants; multitrack year-round school programs; authorized expenditures; availability.

(a) Year-round school grants awarded under this article for purposes of the implementation of year-round school programs shall be expended for the following purposes:

1) Planning, including community activities, necessary for that implementation.

2) One-time minor capital outlay and equipment associated with converting school facilities to multitrack year-round operation.

3) Deferred maintenance on facilities proposed for multitrack year-round operation.

4) Other necessary activities associated with conversion to multitrack year-round operations, including, but not limited to, curriculum revision and scheduling changes and staff development.

(b) These implementation grants are available on a one-time basis for each new multitrack year-round schoolsite, subject to application approval, in an amount up to twenty-five ($25) per pupil currently enrolled in the site planned for year-round operation, as that pupil enrollment is identified in the CBEDS reported transmitted to the State Department of Education by the school district; or for a newly constructed school, an amount up to twenty-five dollars ($25) per pupil enrolled as if the school were to operate on a traditional nine-month school year basis.

For purposed of this subdivision, "CBEDS report" means the report transmitted by school districts to the State Department of Education for purposed of the California Basis Education Data System which exists within the department and is based upon a single annual collection of data about school staff and pupil enrollment conducted by the department for reporting, program management, and planning purposes.

The superintendent may approve all or any portion of an application for an implementation grant, as described in subdivision (a) of this section, up to a maximum of one hundred thousand dollars ($100,000) per schoolsite. If the applications submitted exceed the appropriations available for this purpose, the amount per pupil shall be prorated by an equal amount.

(c) If a schoolsite does not operate on a multitrack year-round basis in the second subsequent fiscal year following receipt of a year-round implementation grant pursuant to this section, the school district shall repay the implementation grant received for that schoolsite, plus interest that the repayment amount would have earned in the Pooled Money Investment Fund, within one year following the date on which the schoolsite was to begin to operate on a multitrack year-round basis. If the grant, plus interest, is not repaid within the one-year period, the Superintendent of Public Instruction shall withhold the total amount owed pursuant to this subdivision from the apportionment to be made to that district calculated pursuant to Section 42238.

42263. Grants; multitrack year-round education programs; criteria; allocations.

(a) Commencing in the 1990-91 fiscal year, year-round school grants, in addition to those grants authorized under Section 42262, shall be awarded annually for the operation of multitrack year-round education programs to school districts that meet the criteria specified in this section, in addition to the criteria otherwise applicable under this article.

(b) For each fiscal year, for each schoolsite for which a school district applies for funding under this article, the district shall certify the number of pupils in excess of the capacity of the schoolsite, as determined by State Allocation Board or court-mandated pupil loading standards, for which the district elects to claim funding under this article. The excess pupil capacity calculated for purposes of this subdivision shall reflect only the additional capacity that has been generated as a result of operation on a multitrack year-round basis, and shall not reflect increased capacity generated by any other means. A school district shall be eligible for funding under this section only as to any schoolsite for which the pupil population certified by the district exceeds the capacity of the schoolsite by not less than 5 percent.

(c) To the extent funding is made available for the purposes of this section, the Superintendent of Public Instruction shall allocate to an applicant school district, for each schoolsite that qualifies for funding under subdivision (b), an amount equal to the district's share of the product of the statewide average cost avoided per pupil, as established under subdivision (e), and the number of pupils certified by the district under subdivision (b). For purposes of this subdivision, a district's share shall be determined according to the percentage by which the number of certified pupils reflects an increase in the capacity of the schoolsite, as follows:

	District's Share
1. Less than 5%	0%
2. Equal to or greater than 5% but less than 10%	50%
3. Equal to or greater than 10% but less than 15%	67%
4. Equal to or greater than 15% but less than 20%	75%
5. Equal to or greater than 20% but less than 25%	85%
6. Equal to or greater than 25%	90%

(d) (1) The State Allocation Board shall calculate the statewide average cost avoided per pupil under Chapter 22 (commencing with Section 17700) of Part 10 through the operation of school facilities on a multitrack year-round basis, based on the following school facilities cost components:

(A) The cost of facilities construction.
(B) The cost of land acquisition.
(C) Relocation costs in connection with land acquisition.
(D) State costs incurred as a result of interest that would be paid by the state for debt service on state general obligation bond financing to construct new school facilities under Chapter 22 (commencing with Section 17700) of Part 10.

(2) The calculation of costs under subparagraphs (B) and (C) of paragraph (1) shall exclude data from the lowest quartile and the highest quartile.

(3) The State Allocation Board shall calculate the statewide average cost avoided per pupil, pursuant to this subdivision, on the basis of the 1990-91 and 1991-92 fiscal years and every two-year period thereafter. No later than December 1, 1992, and biennially thereafter, the board shall report to the Legislature the result of its calculation for the prior two-year period.

(e) For the 1990-91 and 1991-92 fiscal years, the "statewide average cost avoided per pupil," for purposes of this section, shall be one thousand one hundred fifty-one dollars ($1,151). For the 1992-93 fiscal year, and each fiscal year thereafter, the "statewide average cost avoided per pupil" shall be established by the statute that appropriates funding for the purposes of this section for that fiscal year.

42265. Multitrack year-round operation; first year; eligibility for funding. Notwithstanding subdivision (b) of Section 42260, a district that applies for funding for the first year of operation of a schoolsite on a multitrack year-round basis shall be eligible for funding to the extent that the estimated pupil population certified by the district exceeds the capacity of the schoolsite by not less than 5 percent, regardless of whether or not the actual pupil population is subsequently determined to meet or exceed that excess capacity standard. The reduction of building area eligibility required under Section 17746.8 shall apply on the basis of the estimated, rather than the actual, pupil population certified by the district for that year of operation.

42266. Allocation of funding.

(a) The funding allocated by the Superintendent of Public Instruction pursuant to Section 42263 shall be allocated in accordance with paragraph (5) of subdivision (a) of Section 14041.

(b) Commencing with the 1991-92 fiscal year, the entire amount of funding to be allocated pursuant to Section 42262 for each fiscal year shall be allocated no later than December 31 of that fiscal year.

42267. Report to superintendent of public instruction; reduction or increase in funding.

(a) Each school district that receives funding for a schoolsite pursuant to Section 42263 for any fiscal year shall report to the Superintendent of Public Instruction, no later than June 30 of that fiscal year, the number of pupils enrolled for the schoolsite in excess of the capacity of the schoolsite, as determined by State Allocation Board or court-mandated pupil loading standards.

(b) The amount of funding otherwise calculated for a schoolsite for any fiscal year pursuant to Section 42263 shall be reduced by the superintendent to reflect the extent to which the number of pupils estimated for that schoolsite for the prior fiscal year is greater than the number of pupils certified in excess of the capacity of the schoolsite for that prior fiscal year. If the amount of that reduction exceeds the funding entitlement for that schoolsite for the current fiscal year, the superintendent shall reduce the first principal apportionment to that school district in the current fiscal year by the amount of that excess.

(c) If the number of pupils estimated for a schoolsite for the prior fiscal year is less than the number of pupils certified in excess of the capacity of the schoolsite for that prior fiscal year, the school district may elect to increase accordingly the number of pupils it subsequently claims for the prior fiscal year. In that event, the superintendent shall increase the district's funding entitlement under Section 42263 for the schoolsite for the current fiscal year, and the district's building area eligibility under Chapter 22 (commencing with Section 17700) shall be reduced accordingly pursuant to Section 17746.8.

42268. Report to state allocation board.

(a) The Superintendent of Public Instruction shall annually report to the State Allocation Board, for the purposes of Section 17746.8, the number of pupils in excess of capacity certified by the district pursuant to subdivision (b) of Section 42263, or the number of pupils prescribed by subdivision (b) of this section, whichever is greater.

(b) In the first year of funding for a schoolsite under Section 42263, if the number of pupils certified in excess of the capacity of the schoolsite is less than 5 percent of capacity, the number of pupils reported by the superintendent shall be equal to 5 percent of capacity. In the second year of that funding, if the number of pupils certified in excess of the capacity of the schoolsite is less than 10 percent of capacity, the number of pupils reported by the superintendent shall be equal to 10 percent of capacity. In the third, and each subsequent year of that funding, if the number of pupils certified in excess of the capacity of the schoolsite is less than 15 percent of capacity, the number of pupils reported by the superintendent shall be equal to 15 percent of capacity.

D. AIR-CONDITIONING ALLOCATIONS

Please note: as of November 3, 1998, the Office of Public School Construction is no longer accepting applications for this program.

42250.1. Funding for air-conditioning and insulation; priorities.

(a) From funds appropriated by the Legislature for this purpose for any fiscal year, the State Allocation Board shall allocate to school districts selected by the board pursuant to this section, funding for the expenses of air-conditioning equipment and insulation materials, and for the costs of installing the equipment and materials, for schools operating in the current fiscal year or planning to operate in the second subsequent fiscal year on a year-round or continuous basis pursuant to Chapter 3 (commencing with Section 37400), Chapter 4 (commencing with Section 37500), or Chapter 5 (commencing with Section 37600) of Part 22.

(b) The board shall allocate the funds appropriated under subdivision (a) only to those school districts in which a high percentage of the pupils, or a significant number of the pupils, are enrolled in the current fiscal year or will be enrolled in the second subsequent fiscal year in year round or continuous schools as described in subdivision (a). The board shall grant preference in the allocation of those funds to those year round or continuous schools that are both situated in climates that require air-conditioning and insulation during June, July, and August, and have a high percentage of overcrowding of pupils. In addition, all schools participating in the demonstration program provided pursuant to Chapter 2.5 (commencing with Section 37300) of Part 22 and satisfying the criteria set forth in this subdivision shall be eligible to receive, and given priority for, the maximum allocation of funds under this section.

(c) Whenever a school district has received an allocation pursuant to this section for a school that was scheduled to begin operating year round in the second subsequent fiscal year but that did not begin operating year round in that fiscal year, the school district shall repay the amount allocated with interest to the State School Building Fund.

(d) A school district may elect to apply for funding under this section on a basis that groups two or more qualifying schools in the district. A school district that elects to apply for funding pursuant to this subdivision shall identify the cost for each school in that application. The total of those costs shall be the maximum amount apportioned by the state for those schools contained in that single application and that amount shall be no more than the amount that would have been apportioned to each school if each school had submitted an application individually.

(e) Funds allocated to any school district under this section may be expended only to pay the actual allowable expenses of air-conditioning equipment and insulation materials, and of the installation of air-conditioning equipment and insulation materials, at the project sites that generated the funding eligibility.

F. YEAR-ROUND FACILITIES

17017.6. Definition of substantial enrollment. Notwithstanding Section 17017.7, the definition of "substantial enrollment" set forth in that section shall apply only to elementary and unified school districts. For a high school district, "substantial enrollment in multitrack year-round schools," for the purposes of Section 17017.7, means that at least 30 percent of the pupils enrolled in the high school district are enrolled in multitrack year-round schools, or that 40 percent of the pupils enrolled in public school in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multitrack year-round schools. In addition, a high school district shall be deemed to have a substantial enrollment in multitrack year-round schools for purposes of Section 17017.7 if, at the option of the district, the entire high school to be constructed is to operate on a multitrack year-round basis.

17017.7. Project funding for new construction; priority for approval.

(a) Notwithstanding any other provision of this chapter, priority for the approval of project funding for new construction under this chapter, shall be as follows:

(1) First priority for construction funds shall be given to school districts with a substantial enrollment in multitrack year-round schools requesting state funding for 50 percent of the cost of a project that would be constructed to operate on a multitrack year-round basis.

(b) The board shall not restrict the availability of funding for construction of multitrack year-round schools, from any funding source available to the State School Building Lease-Purchase Fund, but shall make approval of project funding for those projects the first priority in accordance with this section.

(c) "Substantial enrollment," for the purposes of this section, means enrollment of at least 30 percent of district pupils in kindergarten and grades 1 to 6, inclusive, or 40 percent of pupils in kindergarten and grades 1 to 12, inclusive, in the high school attendance area for which the school district is applying for new facilities. The calculation set forth in this subdivision, as to a self-certifying district, shall be made by the district, in accordance with any standards governing that calculation that are adopted by the board. The calculation shall be certified by the district to the board and used by the board for the purposes of this section. The self-certifying district shall maintain documentation of the calculation as may be required by the board, and the calculation shall be subject to subsequent audit as the board may direct. If a self-certifying district is found by the board to have materially misrepresented its pupil enrollment pursuant to this subdivision, the board may impose either or both of the penalties set forth in paragraphs (1) and (2) of subdivision (b) of Section 17041.2, in accordance with that section.

(d) "Multitrack year-round school," for purposes of this section, means a school for which the applicant district demonstrates that both of the following criteria are satisfied:

(1) The pupils are divided into three or more groups or tracks, which rotate attendance so that, for a majority of schooldays during the school year, at least one group or track is not attending the school while all other groups or tracks are in attendance.

(2) The operation of the school on a multitrack year-round basis has resulted in an increase in enrollment capacity.

(e) Notwithstanding any other provision of this section, the State Allocation Board may continue to implement any year-round school priority provisions for hardships adopted prior to September 1, 1990.

17071.33. Maximum allowable building area; reduction. For the purposes of determining existing school building capacity, the calculation shall be adjusted as required for first priority status pursuant to Section 17017.7 as that calculation would have been made under the policies of the board in effect immediately preceding September 1, 1998.

17071.35. Determining building area reduction by grade level. Notwithstanding any other provisions of law, the maximum school building capacity for each applicant district shall be increased by the number of pupils reported by the Superintendent of Public Instruction for that grade level pursuant to Section 42268. This adjustment shall be calculated on the basis, at the district's option, of either the district as a whole or the appropriate attendance area.

17071.40. Exemption from building area reduction. Each school on a year-round multitrack calendar that has a density of 200 or more pupils enrolled per acre, that is located in a school district with 40 percent of its pupils attending multitrack, year-round schools shall be exempted from the increase in school building capacity required by Section 17017.35. Nothing in this section shall be construed as exempting the school from the requirements of Section 17071.33.

17088.3. Qualifications for lease; submission of year-round multitrack education program study; emergency or urgency approval; uninhabitable facilities.

(a) No school district shall qualify for the lease under this chapter, after January 1, 1990, of one or more portable classrooms except upon submitting a study examining the feasibility of implementing in the district a year-round multitrack educational program that is designed to increase pupil capacity in the district by at least 20 percent.

(b) Emergency or urgency conditions within a school district shall constitute grounds for approval by the board, pending submission of the report.

(c) Subdivision (a) does not apply to facilities that are designated as uninhabitable after July 1, 1989, due to fire or other health or safety conditions.

(d) Subdivision (a) does not apply to a school district for leases or subleases under this chapter for the purpose of providing facilities, pursuant to subdivision (c) of Section 17091, for licensed child day care programs or recreation or enrichment activities or programs for schoolage children.

G. State Allocation Board Year-Round Waiver Policy

A Study of the Feasibility to implement a multitrack year-round education program is no longer required pursuant to the School Facilities Program (SB50).

Substantial Enrollment Requirement (SER) certification is granted when a district is operating multitrack year-round education programs and:

- At least 30 percent of district pupils in kindergarten and grades 1-6, inclusive, are enrolled in multitrack year-round education programs; or
- At least 40 percent of district pupils in kindergarten and grades 1-12, inclusive, in the high school attendance area are enrolled in multitrack year-round education programs.[1]

Substantial Enrollment waivers may be granted, pursuant to Board policy[2] when:

- The district's 3/4 year projected K-6 enrollment shows 300 or fewer ADA
- An insufficient number of 3/4 year projected students exists in the district to load four classrooms at State loading standards at each grade level, K-6
- An educational hardship would exist in the district by implementing MTYRE
- A financial hardship would exist in the district by having a substantial enrollment in MTYRE programs[3]

The requirement to construct multitrack year-round schools has been eliminated pursuant to Title 2 of the California Administrative Code Section 1859.35.

[1] Education Code Sections 17017.6 and 17017.7(c).
[2] Amendment to the Substantial Enrollment Policy, May 27, 1992.
[3] This particular provision is not found in SAB policy but only in Education Code Section 17017.5(c).